



General Assembly

February Session, 2010

**Amendment**

LCO No. 5447

**\*SB0036905447SD0\***

Offered by:

SEN. COLEMAN, 2<sup>nd</sup> Dist.

SEN. DOYLE, 9<sup>th</sup> Dist.

REP. WALKER, 93<sup>rd</sup> Dist.

SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Senate Bill No. 369

File No. 257

Cal. No. 185

**"AN ACT CONCERNING THE ENFORCEMENT OF SURETY  
CONTRACTS BY NURSING HOMES."**

1 Strike lines 9 and 10 in their entirety and insert the following in lieu  
2 thereof: "prohibited from enforcing a [surety] contract [on behalf of an  
3 applicant required as a condition of admission] with a third-party  
4 guarantor or an admissions agreement entered into with a responsible  
5 party who has access to an applicant or resident's assets or financial  
6 information unless: (1) The guarantor under"

7 In line 14, strike the opening bracket

8 Strike line 16 in its entirety and insert the following in lieu thereof:  
9 "in accordance with its regulations; and (3) such contract contains"

10 In line 17, insert an opening bracket before "clause", insert a closing  
11 bracket after "states" and after the closing bracket insert the following:  
12 "notice advising the applicant, third-party guarantor or responsible

13 party that (A)"

14 In line 21, strike ":" and strike the opening bracket

15 In line 24, strike the closing bracket and after "regulations" insert the  
16 following and renumber the remaining subsection accordingly: "(B)  
17 state and federal law prohibit a nursing home facility from requiring a  
18 third party to personally guarantee payment as a condition of  
19 admission or continued stay in the facility; and (C) due to the  
20 complexity involved in preparing an application for Title XIX benefits,  
21 it may be advisable for the person completing such application to seek  
22 professional assistance or legal advice. Such notice shall be written in  
23 not less than ten-point, boldface type, shall be stated in plain and  
24 simple language and, whenever possible and in accordance with any  
25 applicable federal guidelines, shall be in the primary language of the  
26 recipient"

27 (c) A nursing home facility may prepare and submit an application  
28 for Title XIX benefits to the Department of Social Services on behalf of  
29 a person residing in or seeking admission to the nursing home facility,  
30 provided such person or such person's authorized representative  
31 authorizes the nursing home facility, in writing, to prepare and submit  
32 such application on such person's behalf.

33 In line 25, bracket "(c)" and after the closing bracket insert "(d)"